

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of GABRIELLE NATASHA  
FERGUSON, Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
September 26, 2006

Petitioner-Appellee,

v

CALVIN COOPER,

Respondent-Appellant.

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No. 268683  
Wayne Circuit Court  
Family Division  
LC No. 04-432458-NA

Before: Borrello, P.J., and Jansen and Cooper, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (j), and (k)(ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent did not attend any supervised agency visits. Indeed, because his whereabouts were frequently unknown and respondent did not keep in contact with the worker, it was impossible to schedule supervised visits. Respondent testified that he saw his daughter every other day when he went to his mother's house to get something to eat. However, foster care specialist Robin Smith testified that she was aware of only one unauthorized visit between respondent and the child at respondent's mother's home since 2004. Smith further testified that respondent's mother and sister, the child's caregivers, did not want respondent in their home any longer because of his drug use. In addition to not visiting with the child, respondent failed to provide any other physical, financial or emotional support the entire time Gabrielle was in care. Further, the trial court found that because of lack of contact with the agency, absence from court hearings, and failure to participate in services, respondent clearly was not seeking custody of his daughter. We agree that these facts were sufficient for the trial court to conclude that respondent had deserted and abandoned his young daughter. *In re Hall*, 188 Mich App 217; 222-223; 469 NW2d (1991).

Respondent also failed to comply in any meaningful way with the treatment plan, which is evidence of failure to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). He did not attend visitation or court hearings and did not keep in contact with the case worker. He did not comply with the court-ordered random drug screens, and he admitted to using drugs on at least one occasion. Respondent attended only 20 counseling sessions during the 18 months the child was in care. He did not comply with the conditions of his probation; indeed, he committed additional offenses and a warrant was outstanding at the time of the termination hearing. Respondent did not have suitable housing or a legal source of income. Respondent admitted at the time of termination that he was not prepared at that time to care for his child. Further, the fact that respondent had not made any progress in the 18 months that Gabrielle was in care is indicative of what the future would hold.

Finally, the evidence failed to establish that termination of respondent's parental rights was not in the child's best interests. We agree with the trial court's conclusion that the child needed permanency in her life to facilitate her continued growth and development.

Affirmed.

/s/ Stephen L. Borrello

/s/ Kathleen Jansen

/s/ Jessica R. Cooper